

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

COREY FRAZIER,

Petitioner,

v.

CASE NO. 09-11355  
HONORABLE MARIANNE O. BATTANI

DEBRA SCUTT,

Respondent.

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**ORDER GRANTING IN PART AND DENYING IN PART**  
**PETITIONER'S MOTION TO AMEND THE HABEAS PETITION**

Petitioner Corey Frazier has filed a *pro se* habeas corpus petition challenging his state convictions for first-degree murder and two firearm offenses. He claims that: (1) the trial court abused its discretion by refusing to grant a mistrial when the prosecutor elicited testimony that Petitioner previously got away with murder and would kill for money; (2) he was denied his Sixth Amendment right to confront his accusers by the admission of his co-defendant's hearsay statements; and (3) his trial attorney was ineffective for failing to object to the use of the co-defendant's hearsay statements. Respondent argues in an answer to the habeas petition that Petitioner's claims lack merit or are procedurally defaulted and that the claimed errors were harmless or did not prejudice the defense.

Pending before the Court is Petitioner's joint motion for an evidentiary hearing and to amend the habeas petition. The motion [Dkt. #9] alleges that Petitioner's case is similar to People v. Shotwell, No. 92796 (Mich. Ct. App. Sept. 1, 1988), and that an evidentiary hearing is necessary to correct the record and to develop the facts regarding Petitioner's trial attorney.

To the extent that Petitioner merely seeks to bring the Shotwell case to the Court's attention, his motion is **GRANTED**. The motion is **DENIED** without prejudice to the extent that it seeks an evidentiary hearing, because the Court is not persuaded that Petitioner has alleged "sufficient grounds for release." Stanford v. Parker, 266 F.3d 442, 459 (6th Cir. 2001) (quoting Wilson v. Kemna, 12 F.3d 145, 146 (8th Cir. 1994)). The Court will reconsider Petitioner's motion, if necessary, following a review of the state court record. It will not be necessary for Petitioner to renew his motion.

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: April 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon the Petitioner and Respondent via ordinary U.S. Mail and electronic filing.

s/Bernadette M. Thebolt  
Case Manager